

**Appl. No.** : **09/943,483**  
**Filed** : **August 29, 2001**

### **REMARKS**

In the Office Action dated January 25, 2007, the Examiner rejected the pending claims under 35 U.S.C. § 103 as being unpatentable over the Fitzgerald reference (U.S. Patent No. 1,847,605), the Radke reference (U.S. Patent No. 3,279,849), the Neal reference (U.S. Patent No. 5,799,317), or some combination thereof. By this paper, the Applicant has amended the pending claims of the application to highlight the subject matter that the Applicant believes is allowable over the art of record. Hence, reconsideration of the above-captioned application in light of the amendments and remarks contained herein is now respectfully requested.

After carefully reviewing Fitzgerald, Radke and Neal, the Applicant notes that Fitzgerald, Radke and Neal fail to disclose the combination of a sign that can be mounted onto a seatback wherein the sign includes a plastic main body that has integrally formed plastic retainers and further wherein the sign is sized so as to have the same shape and configuration as the shape and configuration of the chair seatback (*See, e.g.*, Claims 7 and 15 as amended). In Fitzgerald, the retainers are not integrally formed to the sign shown in Figure 12, rather, the retainers comprise clips that attach to the sign and the springs that extend about the seatback. Further, the sign is not sized so as to cover the seatback in the manner that is claimed by the Applicant, rather, a large portion of the seatback 25 is revealed by the sign. Moreover, there would be no reason or motivation for someone to modify the Fitzgerald sign to cover the entire seatback 25 as it is a sign that is used for selling the chair in which case the seller would want to display as much of the chair as possible and as little of the sign as possible. Thus, a person would be deterred from making the "FOR SALE" sign that covers a substantial portion of the article that would be for sale.

Similarly, Radke also does not disclose plastic retainers that are integral to the main body as Radke discloses stretchable fabric retainers that are sewn to the corresponding main body and are then attached to a plastic clip. Further, Radke also does not disclose the main body having the same shape and substantially covering the backrest. Radke also would not teach or suggest this particular feature as Radke is providing physical support to a specific portion of the user's back and not the entire back. Lastly, Neal does not disclose the integral retainers; in fact, Neal uses a different attachment mechanism altogether. While Neal discloses covering the entire

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backrest, Neal is not doing so with the integral flexible plastic retainers which allow for a simple to manufacture, easy to secure and remove main body that can be positioned over the backrest.

As discussed in the specification as filed, the Applicant's invention is primarily directed towards folding chairs that would be used at such things as weddings. Being able to attach an inexpensive sign to the folding chair where the sign is integrated into the padding, allows for the same message to be quickly positioned onto a plurality of chairs that are set up for the particular wedding or event. The fact that Applicant's invention has a single integrated main body formed of plastic with plastic retainers allows for the sign on the main body to be quickly positioned and removed on the chairs such that the expense of setting up hundreds of chairs with the same message can be achieved very easily. For these reasons, the Applicant believes that Claims 7 and 15 as amended are allowable over the art of record.

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### SUMMARY

Based upon the foregoing, the Applicant believes that Claims 7 and 15 are allowable over the art of record. The Applicant further believes that the remaining claims define additional patentable subject matter and are further allowable due to their respective dependencies on Claims 7 and 15. The Applicant therefore believes that the above-captioned application is in condition for allowance and requests the prompt allowance of the same. Should there be any impediment to the prompt allowance of this application that could be resolved by a telephone conference, the Examiner is respectfully requested to call the undersigned at the number shown below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 7/25/07

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